

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
May 13, 2021
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Cliff Reals, Michael Keville, Terry Manning, Bryan Bendixen and Attorney for the Board Richard Andino.

Also present: Larry Ball, Building/Codes Inspector

PUBLIC HEARING

7:00 P.M. – TERRIE HUNTER: AREA VARIANCE (1276 TYLER RD., TAX MAP NO. 9.26-1-20) REAR YARD SETBACK

Mrs. Terrie Hunter appeared before the Board to request an area variance to build a 30' x 48' home closer to the rear property line, which abuts a paper street. The new home is replacing the existing home that was damaged by wind and will run parallel with the road and will face the lake. Mrs. Hunter would like to locate the house on the rear property line because she needs flexibility due to the location of the septic system. Mrs. Hunter indicated that she would use the paper street for ingress and egress from the property but not for parking. She believes the right of way is 20 feet wide and anyone is allowed to use the paper street if it is on their deed.

Two letters were received by the Board: one from Martha and Elizabeth Frey and another from David and Karen Delaney, both with property on Tyler Rd. Martha Frey appeared at the public hearing and asked what is the hardship? She has no problem with the new home but wanted to know how variances affect other property owners. She feels there should be some setback and not zero as requested. Martha requested clarification on the rules for paper streets with no owner and no rules vs. abandoned Town roads with rules. Chairman Steve Durfee explained the variances process. Mrs. Hunter explained she has done research on the paper street and there is no title and no lawyer has been willing to help her to purchase it.

The Town of Sullivan Planning Board sees no Town-wide adverse effect in granting this application.

The Madison County Planning Board returned the application for Local Determination.

No one else spoke for or against the application and the public hearing was closed at 7:25PM.

**LISA DIRINGER: AREA VARIANCE (6712 RAMSGATE RD., TAX MAP NO. 48.8-2-7)
SIDE YARD PROPERTY LINE SETBACK**

Larry Ball used the smart board to discuss this application as the applicant did not appear and no one appeared on behalf of the applicant. Mrs. Diringer is proposing to build a 24' x 24' garage on the south side of property. There is 28' on of setback on the side and she would need 4' of relief from the south side property line. There is 40' between the two houses. The Town of Sullivan Planning Board sees no adverse Town-wide impact in granting this request should the ZBA choose to do so.

No one spoke for or against the application and the public hearing was closed at 7:35PM.

PATRICK MINOGUE: AREA VARIANCE (655 SHACKELTON PT. RD. TAX MAP NO. 3.58-1-19) INSTALL STEEL STORAGE CONTAINER NEXT TO GARAGE

Mr. Patrick Minogue appeared before the Board to request approval to locate a storage unit container on his property next to his existing single car garage. This is an insulated plastic lined storage metal container that he already owns. Member Terry Manning stated it looks like a cargo container for shipping with a flat roof. Member Manning also asked the Applicant what the nature of the application is as it is not specified on the application for area or use variance. Attorney Richard Andino discussed the definition for a structure under the zoning law. The container would not be affixed to the ground. Mr. Minogue explained he has two existing garages on his property and he is trying to empty them for more storage room. The setbacks and lot coverage limitations were explained if he were to come back and apply for another garage. Member Bryan Bendixen mentioned the stack of letters received from neighbors that are against this application. Mr. Minogue does not want to upset his neighbors. He can leave the container on the farm where it is now. Mr. Minogue then withdrew this application. Member Terry Manning stated it is appreciated that he appeared to do the right thing.

The Town of Sullivan Planning Board cannot endorse acceptance of this application. Doing so would have negative Town-wide implications.

The Madison County Planning Board returned the application for Local Determination.

No one spoke for or against the application and the public hearing was closed at 7:50PM.

NEW BUSINESS

OLD BUSINESS

**TERRIE HUNTER: AREA VARIANCE (1276 TYLER RD. TAX MAP NO. 9.26-1-20) REAR
YARD SETBACK**

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the legal criteria for approval or

denial of the application. No undesirable change would occur in the character of the neighborhood as the new house is going to be close to the same square footage as the existing home. The requested variance is substantial but not a determining factor as the setback is to a paper road. The Board reasoned that the alleged difficulty was self-created but not a determining factor as moving the house closer to the rear property line will result in greater setback in the front yard. No environmental impacts were identified.

This application was declared by the Board to be a Type II Action with negative declaration for SEQR.

A motion was duly made by Member Reals, seconded by Member Keville and unanimously passed by the Board granting a rear yard setback variance of 2 feet off the paper road (including overhangs) to build a 30' x 48' new home.

LISA DIRINGER: AREA VARIANCE (6712 RAMSGATE RD. TAX MAP NO. 48.8-2-7) SIDE YARD PROPERTY LINE SETBACK

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the legal criteria for approval or denial of the application. There are multiple homes in the neighborhood that have attached garages. There is no feasible alternative to the variance as there is limited building space available. The variance is substantial as it is 50% of the required setback but not a determining factor. The Board determined the benefit to the applicant outweighs the detriment to the neighborhood and therefore the variance request is approved.

This application was declared by the Board to be unlisted for SEQR and a negative declaration was issued.

A motion was duly made by Member Bendixen, seconded by Member Manning and unanimously passed by the Board granting a setback variance of 4 feet of relief from the South property line to build a 24' x 24' garage.

PATRICK MINOGUE: (655 SHACKELTON PT. RD. TAX MAP NO. 3.58-1-19) INSTALL STEEL STORAGE CONTAINER NEXT TO GARAGE

The Board did not have to review and consider the legal criteria for approval or denial of the application. The applicant withdrew the application after discussion with the Board.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board approving the minutes of April 8, 2021 after correction of the vote for the variance decision of Richard and Donna Gilkey.

ADJOURNMENT

A motion was duly made by Member Keville, seconded by Member Bendixen and unanimously passed by the Board to adjourn the meeting at 8:30 P.M.

Respectfully Submitted
Jeri Rowlingson
Secretary